REMARKS

The Office Action mailed August 7, 2007 has been carefully considered. Within the Office Action Claims 1-28 have been rejected. The Applicants have amended Claims 1, 8 and 17 and have cancelled Claims 15 and 16. The Applicants reserve the right to further pursue the cancelled claims in a continuation and/or divisional application as well as for appeal purposes. Reconsideration in view of the following remarks is respectfully requested.

Rejection under 35 U.S.C. § 101

Claims 8, 15 and 16 were rejected as allegedly defining non-statutory subject matter. Claim 8 is amended to overcome the rejection and claims 15 and 16 were cancelled. Applicants believe that all claims now comport with the provisions of 35 U.S.C. § 101.

Rejection under U.S.C. § 102

Claims 1, 8 and 17 were rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by U.S. Patent No. 6,359,550 to Brisebois et al. Applicants respectfully traverse the rejection.

Applicants have amendment claims 1, 8 and 17 to more clearly distinguish the claimed inventions from the cited prior art. Specifically, claim 1 was amended to include the features of extracting a haptic code from the input signal, the haptic code being associated with a haptic logo, with the haptic logo providing information identifying an originator of the input signal. Brisebois et al are completely silent on this, because Brisebois et al. direct their invention to the use of haptic signals to identify the progression of a telephone call. See col. 2, line 40 to col. 3, line 58; col. 5, line 61 to col. 6, line 58. Based upon the foregoing, it is submitted that Brisebois et al. do not teach these features.

7

Moreover, claim 8 defines a computer-readable medium that includes, *inter alia*, program code for extracting a haptic code from the input signal, the haptic code being associated with a haptic logo, with the haptic logo providing information identifying an originator of the input signal. Claim 17 defines a system with a memory that includes program code for extracting a haptic code from the input signal, the haptic code being associated with a haptic logo, with the haptic logo providing information identifying an originator of the input signal It is submitted that the arguments set forth above with respect to claim 1 applies with equal weight to claims 8 and 17. Therefore, it is respectfully submitted that the anticipation rejection of claim 1, 8 and 17 has been traversed.

Rejection under 35 U.S.C. § 103

Claims 5, 12 and 24 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable to Ballard (U.S. Patent No. 6,727,916) in view of Wise et al. (WO 02/03172 A2). This rejection is respectfully traversed.

In the Office action it was admitted that Ballard et al. failed to teach an actuator in communication with the processor; program code for outputting a control signal to the actuator, and the control signal configured to cause the actuator to output a haptic effect associated with the chant message. In support of the rejection, however, it was alleged that these features were taught by Wies et al. and that the claims were, therefore, obvious.

However, Applicants submit that modifying Ballard et al. to include the features of Wies et al. would render the render Ballard et al.'s invention inoperable for its intended purpose. As stated in column 4, lines 24-26, Ballard et al. desire to provide a simple interface to facilitate interactive chat sessions. To that end, Ballard et al. teach that a user should be able to rapidly enter, transmit, and view text messages on the handheld device. Col. 4, lines 20-23. In each

embodiment, disclosed Ballard et al. advocates allowing a user to view the history-of-communication. See col. 8, line 64 to col. 9, line 2; col. 11, lines 43-47; col. 4, lines 49-52; col. 5, lines 53-55. Modifying Ballard et al. to include the features of Wies et al. would preclude Ballard et al. from operating as intended, because the use of Ballard et al. would not be afforded an opportunity to view the history of communication during a chat session, because haptic effects would not be viewable. This precludes any suggestion of modifying Ballard et al. to include the features of Weis et al. Therefore, based upon the foregoing, it is respectfully submitted that a *prima facie* case of obvious is not present with respect to claims 1, 12 and 24.

Dependent Claims

Considering that the dependent claims include all of the features of the independent claims from which they depend, it is submitted that the dependent claims are patentable to the extent that the independent claims are patentable. Therefore, the dependent claims define inventions suitable for patent protection based upon the arguments set forth above with respect to the independent claims.

Conclusion

It is believed that this reply places the above-identified patent application into condition for allowance. A Notice of Allowance is earnestly solicited.
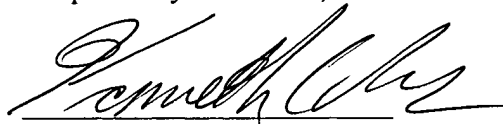
If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

Dated: *7 December 2007*

Kenneth C. Brooks
Reg. No. 38,393

Thelen Reid Brown Raysman & Steiner LLP
P.O. Box 640640
San Jose, CA 95164-0640
Tel. (408) 292-5800
Fax. (408) 287-8040